

1                   **BEFORE THE COMMONWEALTH OF KENTUCKY**  
2                               **PUBLIC SERVICE COMMISSION**  
3                   **SURREBUTTAL TESTIMONY OF DENISE C. BERGER**  
4                               **ON BEHALF OF**  
5           **AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC.**  
6                               **AND TCG OHIO, INC.**  
7                               **CASE NO. 2001-105**  
8                               **AUGUST 20, 2001**  
9  
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11   **Q.     PLEASE STATE YOUR NAME AND ADDRESS.**

12   A.     My name is Denise C. Berger. My business address is 1200 Peachtree Street,  
13           N.E., Atlanta, Georgia 30309.

14   **Q.     HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS DOCKET?**

15   A.     Yes. I filed rebuttal testimony in this docket on July 9, 2001.

16   **Q.     WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY?**

17   A.     The purpose of my surrebuttal testimony is to respond to certain points raised in  
18           the testimony filed by BellSouth witnesses Ken Ainsworth and Keith Milner on  
19           July 30, 2001. Specifically, I discuss evidence of BellSouth's continuing number  
20           portability problems and BellSouth's failure to provide AT&T access to  
21           BellSouth's Loop Facility Assignment Control System ("LFACS") database.

1            **I. BELL SOUTH'S NUMBER PORTABILITY PROBLEMS**

2    **Q. MR. AINSWORTH INDICATES THAT BELL SOUTH HAS RESOLVED**  
3    **ITS NUMBER REASSIGNMENT PROBLEMS. (AINSWORTH**  
4    **REBUTTAL P. 3). DO YOU AGREE?**

5    A. Absolutely not. BellSouth's number portability problems, including number  
6    reassignment and loss of inbound service, persist. For example, AT&T has  
7    recently attempted to help a customer resolve a number of problems it has  
8    experienced since it ported several large blocks of DID numbers from BellSouth  
9    to AT&T approximately six months ago.<sup>1</sup> As the email to BellSouth, attached as  
10    Exhibit DCB-10, explains, AT&T's customer has experienced a variety of  
11    ongoing problems with the ported numbers. In some instances, when a caller calls  
12    one of the ported numbers, the customer gets a different ported number. In other  
13    cases, the numbers ring without answer or the caller hears a notice that the  
14    number is disconnected. Further, AT&T's customer has received calls from  
15    outside individuals claiming that the number called was recently assigned to them.  
16    These significant, persistent problems have been very disruptive to AT&T's  
17    customer.

18    **II. BELL SOUTH HAS NOT PROVIDED ACCESS TO THE LFACS DATABASE**

19    **Q. DID BELL SOUTH AGREE TO PROVIDE AT&T ACCESS TO THE**  
20    **LFACS DATABASE?**

21    A. Yes. To further its goal of providing reliable, predictable hot cuts to its  
22    customers, AT&T initially requested that BellSouth perform a check of the

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<sup>1</sup> This customer's problems also provide an example of partial porting problems, since this customer did not port all of its lines to AT&T.

1 connecting facility assignments (“CFAs”) prior to issuing a firm order  
2 confirmation (“FOC”), so the FOC would be a more reliable predictor of the  
3 cutover due date and due time. BellSouth refused to do so, and, as a compromise,  
4 AT&T agreed that it would perform the CFA check for BellSouth if BellSouth  
5 would provide AT&T real-time, electronic access to the LFACS database.  
6 BellSouth agreed to do so, and it promised to make LFACS available in the first  
7 quarter of 2001. In May 2001, the parties memorialized their LFACS agreement  
8 in the Memorandum of Understanding attached to my rebuttal testimony as  
9 Exhibit DCB-1.

10 **Q. HAS BELLSOUTH PROVIDED THE PROMISED ACCESS?**

11 A. No. Despite this clear agreement, BellSouth has repeatedly delayed providing  
12 AT&T with LFACS access. BellSouth’s refusal to comply with its agreement in a  
13 timely fashion hinders AT&T’s ability to provide predictable hot cuts.

14 **Q. DO YOU AGREE WITH MR. MILNER’S IMPLICATION THAT CFA**  
15 **REPORTS BELLSOUTH ALLEGEDLY PRODUCES THREE TIMES PER**  
16 **WEEK WOULD BE AN ADEQUATE SUBSTITUTE FOR THE**  
17 **PROMISED REAL-TIME ELECTRONIC ACCESS TO ITS LFACS**  
18 **DATABASE BELLSOUTH HAS NOT YET PROVIDED TO AT&T?**  
19 **(MILNER REBUTTAL PP. 10-11).**

20 A. No. Reference to spreadsheets such as those Mr. Milner describes would be  
21 insufficient to meet AT&T’s need to check CFAs prior to submission of its LSRs.  
22 Moreover, to the extent BellSouth does produce spreadsheets such as those Mr.  
23 Milner references, AT&T is unaware of them. Regardless, any unilateral attempt  
24 by BellSouth to modify the parties’ agreement to include CFA spreadsheet

1 information that is hours or even days old is unacceptable. AT&T continues to  
2 need access to the LFACS database. BellSouth's failure to provide it jeopardizes  
3 AT&T's ability to provide reliable hot cuts to its customers.

4 **Q. PLEASE SUMMARIZE YOUR CONCERNS REGARDING**  
5 **BELLSOUTH'S PROVISION OF NUMBER PORTABILITY AND HOT**  
6 **CUTS.**

7 A. As an ILEC, BellSouth is required to provide CLECs with nondiscriminatory  
8 access to unbundled loops and to number portability on terms and conditions that  
9 are just and reasonable.<sup>2</sup> In reviewing Section 271 applications, the FCC has  
10 stated that it is "looking for patterns of systematic performance disparities that  
11 have resulted in competitive harm or otherwise denied competing carriers a  
12 meaningful opportunity to compete."<sup>3</sup> Specifically, BellSouth must provide  
13 number portability in a manner that allows users to retain existing telephone  
14 numbers without impairment of "quality, reliability, and convenience."<sup>4</sup>  
15 BellSouth's provision of number portability does not satisfy these standards.  
16 AT&T and its customers continue to experience significant problems with number  
17 porting. In addition, BellSouth's persistent failure to meet its commitment to  
18 provide AT&T with LFACS access impairs AT&T's ability to provide predictable

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<sup>2</sup> 47 U.S.C. §§ 251(b)(2), (c)(3).

<sup>3</sup> Memorandum and Order, *Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions) and Verizon Global Networks, Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts*, Before the Federal Communications Commission, CC Docket NO. 01-9, FCC 01-130 (rel. April 16, 2001) at ¶ 122 ("*Verizon Massachusetts Order*").

<sup>4</sup> 47 U.S.C. § 271(c)(2)(B)(xi).

1 hot cuts. Reliable number portability and predictable hot cuts are essential for  
2 CLECs to compete in the local service market, and BellSouth has not met its  
3 obligations under the Act.

4 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

5 A. Yes.

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**Exhibit DCB-10**  
**Letter to BellSouth on Number Porting Problems -- August 17, 2001**

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**From:** Berger, Denise C - NCAM  
**Sent:** Friday, August 17, 2001 12:17 PM  
**To:** Jan.Flint@bridge.bellsouth.com; Mattie.Phillips@bridge.bellsouth.com  
**Subject:** Number Porting Problems with Vistakon

Jan,  
Mattie Gail,

AT&T has verified that the following numbers are associated with AT&T in the LERG with an LRN of 904-486-9997.

904-443-1000 through 1899  
904-443-3200 through 3299  
904-443-3600 through 3699  
904-443-3900 through 3999  
904-928-5000 through 6999

The new problems we discussed were

- \* Calls from 904-389-8839 to 904-443-1563 get a "Ring, No Answer"
- \* Calls from 904-636-XXXX to 904-443-1563 get a message that the number has changed to a 303-NXX number
- \* Calls from 904-737-0829 to 904-443-1552 do not complete at all

904-443-1563 was one of the numbers that you reported to me on August 1, 2001, that were not disconnected in the BellSouth switch. How did it get fixed and "rebroken"?

Originally, we appeared to have a number reassignment problem with 904-443-1552. A caller's number from 904-737-0829 dialed the number but was looking for a different person. At that time, some people couldn't call our customer. The caller either got a recording stating that the number is not set up for inbound calls or their calls got directed to another party. They also were receiving calls from people stating that this is their newly assigned number. We then experienced similar problems with 904-443-1521 and 1593.

BellSouth reported on August 1, 2001, that

- \* 904-443-1521 was not found in the BellSouth switch.
- \* 904-443-1593 had an intercept message on it that was removed and tested.
- \* 904-443-1524 and 904-443-1563 had not been disconnected in the BellSouth switch.

Now, I'm not sure what kind of problem we have.

Additionally, BellSouth stated that the number block of 904-928-5000 through 6999 did not belong to AT&T's customer, but instead belonged to Merrill Lynch, a BellSouth customer. These numbers, as indicated above, are assigned to AT&T in the LERG and have been given to Vistakon. I'm still baffled as to the confusion here and have heard no more from BellSouth on this.

Finally, although not in the control of AT&T, the customer continues to have some trouble with his BellSouth assigned numbers.

- \* 904-443-3167 - from long distance # the message callers receive is the number has been disconnected. Callers from 904-225-5088 and 847-367-1160 receive "error" messages (don't know what this means). Callers from 904-247-3409 receive a disconnect before the call is completed.
- \* 904-443-3831 - from a cellphone 904-608-4954 the caller gets Ring, No Answer.

I've directed the sales contact to refer the customer to BellSouth on these numbers that are still with BellSouth.

I have also requested that BellSouth check every number assigned to this customer to insure that there are no problems with the numbers porting to AT&T. I am still waiting for that confirmation.

I am still waiting for an answer to my original questions regarding portability questions. The following questions were posed on July 24, 2000, to Jan Burriess:

Additionally, some new information regarding BellSouth's number reassignment issues has come to my attention and I'd like for you to help me understand the specifics.

In connection with the 271 hearing in North Carolina, AT&T issued a set of discovery questions to BellSouth. One of those questions was, "Describe the analysis, methods, procedures, and processes BellSouth uses to reassign telephone numbers." The last line of BellSouth's response states, "BellSouth has recently uncovered an additional problem associated with the potential to reassign ported numbers."

Jan, what is this new problem? What type of customers are affected?

I am very concerned that, knowing the problems AT&T has experienced in the past, BellSouth has not informed AT&T of this new problem. What can we do to get this information proactively, instead of having to learn about it either through customer problems or regulatory activities? I feel that you and the rest of the Account Team should have been informed so that you could pass the information along to us. We've had several instances of this type of information not being passed along, e.g., BellSouth's planned upgrade to 10-Digit GTT. We had to file a complaint before we found out that BellSouth knew they had a problem and were addressing the issue. I only use this as another example. What can we do to learn of information when it surfaces within BellSouth?

Also, on August 1, 2001, I asked to understand why some of these numbers that I was told were "fixed" had recurring problems.

Please respond to me today with any information you have regarding the root cause of the problems and the expected resolution. I'm at a loss to understand what the problems really are and why we keep having them.

Denise C. Berger  
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